

By: McClendon, et al.

H.B. No. 1516

Substitute the following for H.B. No. 1516:

By: Reynolds

C.S.H.B. No. 1516

A BILL TO BE ENTITLED

AN ACT

1
2 relating to solid waste services for rental property and solid
3 waste management programs in the extraterritorial jurisdiction of
4 municipalities in certain counties; authorizing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 364.011, Health and Safety Code, is
7 amended by adding Subsection (a-1) to read as follows:

8 (a-1) A commissioners court by rule may regulate solid waste
9 collection, handling, storage, and disposal by establishing a
10 mandatory program under Section 364.034 in an area of the county
11 located within the extraterritorial jurisdiction of a municipality
12 if:

13 (1) the municipality does not provide solid waste
14 disposal services in that area; and

15 (2) the county has a population of more than 1.5
16 million in which at least 75 percent of the population resides in a
17 single municipality.

18 SECTION 2. Section 364.034, Health and Safety Code, is
19 amended by amending Subsection (a) and adding Subsection (a-1) to
20 read as follows:

21 (a) A public agency or a county may:

22 (1) offer solid waste disposal service to persons in
23 its territory, including, in the case of a county described by
24 Section 364.011(a-1)(2), an area of the county located within the

1 extraterritorial jurisdiction of a municipality if the
2 municipality does not provide solid waste disposal services in that
3 area;

4 (2) require the use of the service by those persons,
5 except as provided by Subsection (a-1);

6 (3) charge fees for the service; and

7 (4) establish the service as a utility separate from
8 other utilities in its territory.

9 (a-1) Notwithstanding Subsection (a)(2), a person is not
10 required to use solid waste disposal services offered by a county to
11 persons in an area of the county located within the
12 extraterritorial jurisdiction of a municipality that does not
13 provide such services in that area if the person contracts for such
14 services with a provider that meets rules adopted by the commission
15 for the regulation of solid waste disposal.

16 SECTION 3. Subchapter C, Chapter 791, Government Code, is
17 amended by adding Section 791.036 to read as follows:

18 Sec. 791.036. SOLID WASTE DISPOSAL SERVICES IN CERTAIN
19 COUNTIES. (a) In this section, "solid waste" has the meaning
20 assigned by Section 361.003, Health and Safety Code.

21 (b) This section applies only to a county with a population
22 of more than 1.5 million in which more than 75 percent of the
23 population resides in a single municipality.

24 (c) A county may contract with a municipality to provide,
25 directly or through a contract with another entity, a mandatory
26 program for solid waste disposal services in an area of the county
27 located within the extraterritorial jurisdiction of the

1 municipality if the municipality does not provide solid waste
2 disposal services in that area.

3 (d) A mandatory solid waste disposal program provided under
4 a contract under this section does not apply to a private entity
5 that contracts to provide temporary solid waste disposal services
6 to a construction site or project by furnishing a roll-off
7 container used to transport construction waste or demolition debris
8 to a facility for disposal or recycling.

9 (e) Subsection (d) does not affect the authority of a
10 governmental entity to pursue actions under Subchapter B, Chapter
11 365, Health and Safety Code, to address illegal dumping.

12 (f) A contract under this section must include provisions
13 regarding the termination of the county's provision of service on
14 the occurrence of certain contingencies, including the annexation
15 of the area covered by the contract by the municipality or the
16 provision of service to the area by the municipality.

17 SECTION 4. Subchapter A, Chapter 92, Property Code, is
18 amended by adding Section 92.0071 to read as follows:

19 Sec. 92.0071. SOLID WASTE SERVICES REQUIRED IN CERTAIN
20 AREAS OF CERTAIN COUNTIES. (a) In this section, "garbage" and
21 "rubbish" have the meanings assigned by Section 361.003, Health and
22 Safety Code.

23 (b) This section applies only to a county with a population
24 of more than 1.5 million in which at least 75 percent of the
25 population resides in a single municipality.

26 (c) A landlord of two or more leased dwellings located in
27 the extraterritorial jurisdiction of a municipality located in the

1 county must:

2 (1) notify the county that the landlord has two or more
3 leased dwellings located in the extraterritorial jurisdiction of
4 the municipality and provide the addresses of the dwellings and the
5 landlord to the county; and

6 (2) provide solid waste services for the collection,
7 transportation, and disposal of garbage and rubbish from each
8 dwelling by using the solid waste disposal services offered by the
9 county, if any, or by contracting for the services with a provider
10 that meets rules adopted by the Texas Commission on Environmental
11 Quality for the regulation of solid waste disposal.

12 (d) On request by the county, the landlord must provide the
13 county with documentation showing that solid waste services for
14 each dwelling are being provided.

15 (e) A provision of a lease that purports to waive a right or
16 to exempt a party from a liability or duty under this section is
17 void.

18 (f) The commissioners court of the county may adopt orders
19 to enforce this section, including an order establishing a civil or
20 administrative penalty.

21 SECTION 5. (a) Except as provided by Subsection (b) of
22 this section, this Act takes effect immediately if it receives a
23 vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2013.

27 (b) Section 92.0071, Property Code, as added by this Act,

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1 takes effect January 1, 2014.